

FILED
6/29/2020

JULIA C. DUDLEY, CLERK
BY: s/ J. Vasquez

DEPUTY CLERK

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION**

SOURCETECH, LLC,)
a Virginia limited liability company,)

Plaintiff,)

v.)

Case No. 5:20-cv-00041

DEATSCHWERKS, LLC,)
an Oklahoma limited liability company,)

Defendant.)

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, Defendant Deatschwerks, LLC (“Deatschwerks”) hereby removes this action from the Circuit Court for Frederick County, Commonwealth of Virginia, to the United States District Court for the Western District of Virginia, Harrisonburg Division. In support of this Notice of Removal, Deatschwerks states as follows:

1. Deatschwerks is the named defendant in a civil action initially filed on May 27, 2020 in the Circuit Court for Frederick County, Commonwealth of Virginia, styled *Sourcetek, LLC v. Deatschwerks, LLC*, Civil Action No. CL-20-0277. *See* Complaint, Ex.

1.

2. Removal of this action from the Circuit Court for Frederick County to federal court is proper pursuant to 28 U.S.C. §§ 1332(a)(1) and 1441(b) because this court would have original jurisdiction over this action based on diversity of citizenship jurisdiction (28 U.S.C. § 1332) had this action been brought originally in the federal court.

3. Original jurisdiction is proper in this case pursuant to 28 U.S.C. § 1332 because Plaintiff is a citizen of the Commonwealth of Virginia, and upon information and belief, none of Plaintiff's members are citizens of the State of Oklahoma; Defendant is a citizen of the State of Oklahoma, and none of Defendant's members are citizens of the Commonwealth of Virginia. Further, in its Complaint, Plaintiff has alleged an amount in controversy in excess of \$75,000.00.

4. Service of the Complaint has not been made on Deatschwerks. However, Deatschwerks received a copy of the filed Complaint from Plaintiff via Federal Express on June 1, 2020. Pursuant to 28 U.S.C. § 1446, this Notice of Removal is timely filed as it is within thirty (30) days after Deatschwerks received notice of the same.

5. Pursuant to 28 U.S.C. § 1446(d), Deatschwerks will promptly provide written notice of removal of this action to all other parties to this lawsuit and will promptly file a copy of this Notice of Removal with the Clerk of the Circuit Court for Frederick County.

6. Pursuant to 28 U.S.C. § 1446, copies of all pleadings and documents filed in the state action are attached hereto. *See* Complaint, Ex. 1.

7. There are currently no motions pending in this action.

WHEREFORE, Defendant Deatschwerks, LLC respectfully requests that the United States District Court for the Western District of Virginia, Harrisonburg Division, accept this Notice of Removal, assume jurisdiction of the cause, and issue such further orders and processes as may be necessary.

DEATSCHWERKS, LLC

By: /s/ Rosalie Pemberton Fessier
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CERTIFICATE OF SERVICE

I further certify that a true and correct copy of the Notice of Removal was sent by electronic mail on June 29, 2020 and via electronic mail to the following:

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